

SKOOKUM REFORESTATION,)	AGBCA No. 2000-151-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
David McClosky)	
Skookum Reforestation)	
P. O. Box 40610)	
Eugene, Oregon 97404)	
)	
Representing the Government:)	
)	
Michael E. Trow)	
Office of the General Counsel)	
U. S. Department of Agriculture)	
1734 Federal Building)	
1220 S. W. Third Avenue)	
Portland, Oregon 97204-2825)	

DECISION OF THE BOARD OF CONTRACT APPEALS

August 3, 2000

Before HOURY, POLLACK, and VERGILIO, Administrative Judges.

Opinion for the Board by Administrative Judge POLLACK.

This appeal arises out of Contract No. 43-0467-8-0172 between the U.S. Department of Agriculture, Forest Service (FS), Mt. Hood National Forest, Sandy, Oregon, and Skookum Reforestation (Appellant) of Eugene, Oregon. The contract was for the restoration of the Boulder Ridge Trail in the Mt. Hood National Forest in the State of Washington. The work involved reshaping the trail to its original grades and alignments, removing sloughs and berms, cutting encroaching brush and refinishing the tread surface.

The dispute concerns a claim for \$18,508.56 which Appellant identified as additional costs it incurred, outside the scope of its contract, in performing work involving restoration of backslopes. Appellant interpreted the contract to require restoration “like new,” to require restoration as built. The Government interpreted the like new language to require restoration as originally designed. The

Contracting Officer's (CO's) decision of March 29, 2000, granted Appellant a small portion of the claim and denied the balance.

The Board has jurisdiction over this appeal pursuant to the Contract Disputes Act of 1978, 41 U.S.C. §§ 601-613.

After docketing the parties engaged in discussions, which led to a settlement. Under cover letter of May 30, 2000, the FS provided the Board with a signed Stipulation for Settlement and Dismissal. In consideration for a settlement payment, the Appellant agreed to dismiss the appeal with prejudice.

DECISION

Pursuant to the Stipulation of the parties, the appeal is dismissed with prejudice.

HOWARD A. POLLACK
Administrative Judge

Concurring:

EDWARD HOURY
Administrative Judge

JOSEPH A. VERGILIO
Administrative Judge

Issued at Washington, D. C.
August 3, 2000